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May 28, 2024

VIA ECF

Hon. Miroslav Lovric
U.S. Magistrate Judge
U.S. District Court
Northern District of New York
Binghamton U.S. Courthouse
15 Henry St.
Binghamton, NY 13901

Re: *Honeywell Int'l Inc. v. Buckeye Partners, L.P. et al.*, No. 5:18-cv-00646-FJS-ML; *Honeywell Int'l Inc. v. Energy Transfer (R&M), LLC et al.*, No. 5:18-cv-01176-FJS-ML; *Honeywell Int'l Inc. v. CITGO Petroleum Corp.*, No. 5:19-cv-01219-FJS-ML (consolidated)

Dear Judge Lovric,

Pursuant to the Court's April 29, 2024 Text Order, ECF No. 393, the Non-Settling Parties to the above-referenced matters, including Honeywell International Inc. ("Honeywell") and Energy Transfer (R&M), LLC and ETC Sunoco Holdings LLC, (collectively, the "Sunoco Defendants"), provide the following report:

The parties are proceeding with discovery, including depositions. Sunoco Defendants report that the New York State Department of Environmental Conservation ("NYSDEC") has issued the wetlands permit for sampling at SYW-12; Sunoco Defendants anticipate conducting the sampling in early June.

Since their last report, the parties have met and conferred to resolve identified deficiencies in discovery responses. The parties continue to work diligently and cooperatively to respond to open discovery items and to review the large volumes of documents that have been produced.

Under the Court's February 2, 2024 Text Order, ECF No. 378, Honeywell's affirmative expert reports are due on August 9, 2024, Sunoco's responsive expert reports are due on October 9, 2024, and Honeywell's rebuttal expert reports are due on November 11, 2024. The current deadline for mandatory mediation is September 9, 2024, which is after Honeywell will have submitted its affirmative expert reports and before Sunoco Defendants have submitted their responsive expert reports. The parties believe that



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mediation would be more effective with the mediator and each other having the benefit of both parties' expert reports available to consider; therefore, the parties respectfully request that the Court extend the deadline for mandatory mediation to December 31, 2024 or another suitable date after November 11, 2024.

Sunoco Defendants consented to my filing this status report on their behalf.

Sincerely,

/s/ Tyler L. Burgess

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